

1 HONORABLE RICHARD A. JONES
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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 RENE DEWAYNE MANUEL,

13 Petitioner,

14 v.

15 JASON BENNETT,

16 Respondent.

17 CASE NO. 3:24-cv-5412-RAJ-DWC

18 **ORDER**

19 THIS MATTER comes before the Court on Petitioner Rene Dewayne Manuel
20 (“Petitioner”)’s Motion for Reconsideration. Dkt. # 18.¹ On May 29, 2024, Petitioner filed
21 a § 2254 Petition for Writ of Habeas Corpus, Motion for Leave to Proceed *in Forma*
22 *Pauperis*, and various other motions. Dkt. ## 1; 1-1; 1-2 – 1-8. Petitioner is currently
23 incarcerated at Stafford Creek Corrections Center, where he is serving a sentence of

24 _____
25 ¹ Although Petitioner labels his pleading as a Motion for Extension of Time, the Clerk and
26 the Court construe this pleading as a Motion for Reconsideration, as Petitioner is asking
27 the Court to strike its Order adopting Magistrate Judge David W. Christel’s Report &
Recommendation. Dkt. # 18 at 1.

1 confinement arising out a jury conviction in Mason County Superior Court for second-
 2 degree rape of a child, second-degree child molestation, sexual exploitation of a child, and
 3 possession of depictions of minors engaged in sexually explicit conduct. Dkt. # 5 at 2.²

4 Magistrate Judge David W. Christel issued a Report and Recommendation (“the
 5 Report”) stating that the Petition was time-barred, as the Antiterrorism and Effective Death
 6 Penalty Act imposes a one-year statute of limitations for § 2254 petitions. *Id.* at 4; 28
 7 U.S.C. § 2244(d)(1). This Court adopted the Report on August 26, 2024, dismissing the
 8 Petition with prejudice and denying as moot all other pending motions. Dkt. # 14. The
 9 court entered judgment in favor of Respondent Jason Bennett the same day. Dkt. # 15.
 10 Petitioner now moves for reconsideration of the Court’s Order adopting the Report. Dkt.
 11 # 18.

12 Local Civil Rule 7(h) of the Western District of Washington governs motions for
 13 reconsideration. Motions for reconsideration are disfavored, and the court will ordinarily
 14 deny such motions in the absence of a showing of manifest error in the prior ruling or a
 15 showing of new facts or legal authority which could not have been brought to its attention
 16 earlier with reasonable diligence. LCR 7(h)(1). A motion for reconsideration must be filed
 17 within fourteen days of the order to which it relates is filed. LCR 7(h)(2).

18 Petitioner represents that due to health issues, he was airlifted to a hospital in
 19 Tukwila and did not return to Stafford Creek Corrections Center until September 26, 2024,
 20 causing him to miss his deadline to respond. Dkt. # 18 at 1.³ He now requests an extension
 21 of time to January 31, 2025, to respond and also seeks that the Court strike its Order
 22 adopting the Report from the record. *Id.* Accordingly, it appears that Petitioner is
 23 simultaneously moving for an extension of time and reconsideration.

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25 ² This Court takes judicial notice of all state court proceedings cited in the Report and
 26 Recommendation.

27 ³ By “respond,” the Court interprets Petitioner to mean respond to the Order adopting the
 Report, thus making his response a Motion for Reconsideration.

Regardless of the nature of Petitioner’s request, the Court will not entertain it, as it is procedurally defective. Petitioner had fourteen days to move for reconsideration following the Court’s Order adopting the Report. *See* LCR 7(h)(2). He waited until October 4, 2024, to do so. Dkt. # 18. Moreover, when Petitioner returned to confinement on September 26, 2024, he waited over a week to file the instant motion. To cinch the matter, Petitioner fails to provide any documentation evidencing his medical condition or hospital stay and cites no binding case law for the Court to consider. The Court denies Petitioner’s Motion for Reconsideration.

Accordingly, Petitioner's Motion for Reconsideration is **DENIED**. Dkt. # 18.

Dated this 8th day of October, 2024.

Richard D. Jones

The Honorable Richard A. Jones
United States District Judge